

Monday, 24 June, 1946

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

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Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese
to English interpretation was made by MORI,
Tomio and SHIMANOUCHI, Toshiro, Hidekazu
Hayashi acting as Monitor.)

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1 MARSHAL OF THE COURT: The International Mili-
2 tary Tribunal for the Far East is in session, and is
3 ready to hear any matter brought before it.

4 THE PRESIDENT: All the accused are present
5 except OKAWA and MATSUOKA, whose counsel are present.

6 The corrections of the record sought by coun-
7 sel for TOGO will be made subject to any objections.
8 The items have been checked, and if there are no ob-
9 jections the corrections will be made.

10 Does any counsel desire to mention any
11 matter?

12 Dr. KIYOSE.

13 DR. KIYOSE: Last Friday, when the prosecu-
14 tion presented the picture, some errors in the Eng-
15 lish commentary were pointed out. As I recall, this
16 matter is supposed to have been corrected. May I
17 confirm that these corrections have been made? If
18 these corrections, in the English text, are made, the
19 defense would like to see it; if not, it is the de-
20 fense counsel's belief that the projection of the film
21 should be postponed pending the making of the correc-
22 tions.

23 THE PRESIDENT: Mr. Donihi.

24 MR. DONIHI: Mr. President, the corrections
25 have been made in the English text. Unfortunately,

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REDIRECT

1 the projection machine was broken at the showing on
2 last Friday, for the defense. I am informed this
3 morning that it may be some days before the necessary
4 parts are here to make the repairs so that the pic-
5 ture may be shown.

6 THE PRESIDENT: Are you going to proceed
7 with the evidence?

8 - - -

9 K I M B E I N A K A I , called as a witness on be-
10 half of the prosecution, resumed the stand and
11 testified as follows:

12 REDIRECT EXAMINATION

13 BY MR. DONIHI:

14 Q Mr. NAKAI, have you viewed the picture,
15 "Critical Period of Japan"?

16 A No, this picture was produced two years
17 before I entered the company.

18 Q The question was, Have you seen or viewed
19 the picture, "Critical Period of Japan"?

20 A I have seen this picture scores of times
21 as a member of the group which took the picture
22 around for projection in various parts of the country.
23 I had occasion to see the picture on many occasions.

24 Q I will hand you herewith a still photograph
25 and ask you if you can identify it?

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REDIRECT

1 A I confirm them.

2 Q What are these pictures that you have just
3 viewed?

4 A These pictures are still shots of sections
5 shown in the cinema presses in Japan depicting United
6 States battleships, to portray Japan's crisis in the
7 Pacific.

8 Q Do these shots appear in the picture,
9 "Critical Period of Japan"?

10 A They do.

11 MR. DONIHI: There will be no further exami-
12 nation on direct, may it please the Court.

13 THE PRESIDENT: Dr. KIYOSE.

14 RECROSS EXAMINATION

15 BY DR. KIYOSE:

16 Q In the affidavit you state that following
17 the China Incident, films of a propaganda nature were
18 prevalent to the extent that it was virtually impossi-
19 ble for the movie houses to obtain Japanese produc-
20 tions that were not of an ultra-nationalistic or
21 military nature. However, was it not possible, at
22 the time, to import American pictures, including
23 American romantic pictures?

24 A That is so.

25 Q According to the advertisements in the

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1 newspapers at that time, there appears to be very
2 many pictures -- American-made pictures -- love pic-
3 tures and others -- which have been advertised in the
4 newspapers; is that not so?

5 A Of course.

6 Q In that sense then, your affidavit is not
7 necessarily accurate?

8 A That is so, but I have made that statement
9 on the understanding that there were in these pic-
10 tures love scenes and so on. However, the basis of
11 these pictures were necessarily militaristic in
12 nature. For example, toward the end the leading
13 character would have to go to war, or he would die.

14 Q Among the films imported from the United
15 States, I hardly think that pictures of a militaristic
16 or ultra-nationalistic nature would be the basis of
17 such pictures?

18 A That is so, as far as foreign pictures are
19 concerned.

20 Q To that extent, then, your statement is not
21 accurat.?

22 Just one more question: In the last para-
23 graph of your affidavit you state: 'After the estab-
24 lishment of the Board of Information in December,
25 1940, American made films were banned.' - -

1 Then, as you state, these pictures were not
2 banned, were they?

3 A They were not banned, but they were re-
4 stricted. I was told that I could interpret the word
5 "banned" with the same significance as the term
6 "restricted."

7 Q Then I shall take it that it was not prohi-
8 bition but restriction.

9 MR. LOGAN: If the Tribunal please, the
10 prosecution has showed certain pictures to this wit-
11 ness, and there is no mark of identification on the
12 pictures. May I suggest that the prosecution have
13 these pictures marked for identification, so that
14 we will know which pictures were shown to the witness.

15 THE PRESIDENT: Are you going to attend to
16 the films, Mr. Donihi?

17 MR. DONIHI: It is our intention to ask that
18 these shots be marked for identification. However,
19 I did want defense counsel to have the opportunity
20 of looking at them before I offered them.

21 At this time, I should like to offer the
22 pictures shown to the witness, to be marked for
23 identification.

24 THE PRESIDENT: Are they photographs? They
25 look like photographs from here.

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RECROSS

1 MR. DONIHI: They are photographs, may it
2 please the Tribunal, which we will show to be excerpts
3 from the picture, "Critical Period of Japan," and I
4 can assure the Court that they will be connected up,
5 through the testimony of later witnesses, as an inte-
6 gral part of the prosecution's case.

7 MR. MATTICE: May I suggest, if the Tribunal
8 please, there are a number of these photographs -- I
9 do not know how many. When they mark them for identi-
10 fication under one exhibit number, there will be no
11 way that the Tribunal or anyone could know how many
12 pictures were included in that -- were under that
13 exhibit number. Either they ought to be numbered
14 separately, or at least the number of pictures under
15 one exhibit number stated so that we would know.

16 THE PRESIDENT: Well, they could be ten-
17 dered, subject to comparison with the originals,
18 and be numbered and lettered as well. I do not
19 know what the next number is, but each picture could
20 have that number plus a letter, a, b, c, and so on.

21 MR. DONIHI: The group consists of thirteen
22 pictures, Mr. President.

23 CLERK OF THE COURT: Exhibit No. 149.

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit

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RECROSS

no. 149 for identification.)

MR. DONIHI: If the defense does not desire to cross-examine, we have no further direct.

RECROSS EXAMINATION

BY MR. FURNESS:

Q Mr. NAKAI, as I understand you, you read, write, and understand English when it is written and spoken, is that correct?

A I think I can.

Q Then, when you read this affidavit, you knew what all the words meant?

A Of course.

Q There is a word which occurs in this affidavit, and occurs in many other affidavits submitted by the prosecution. The word is "inculcate." Will you tell us what that means?

I ask the interpreter not to translate the word "inculcate," of course.

A That means to insert or add.

MR. FURNESS: Did the translator say the word "inculcate," or did he say the word in Japanese?

THE INTERPRETER: The Japanese equivalent for inculcate was chunyu.

MR. FURNESS: Did you translate that word to him as "chunyu," or did you say "inculcate"?

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RE CROSS

1 LANGUAGE SECTION CHIEF: When the question
2 was originally put, the term "inculcate" was used in
3 English.

4 THE PRESIDENT: Mr. Warren, there is no use
5 having an argument with the interpreters.

6 MR. FURNESS: I am not arguing, sir; I just
7 wanted to know what was said.

8 I am not Mr. Warren. Mr. Warren seems to be --
9 I am not Mr. Warren.

10 THE PRESIDENT: I am sorry.

11 Q As I understand it, before you signed this
12 affidavit, you had several interviews with the prose-
13 cution. Is that correct?

14 A May I have that question repeated?

15 (Whereupon, the last question was
16 read by the official court reporter.)

17 A I was called by Mr. Donihi and interro-
18 gated.

19 Q Were you interrogated in English, and did
20 you answer in English?

21 A Yes.

22 Q Were your answers taken down by a steno-
23 grapher?

24 A It was.

25 Q Were you ever shown any copies of the

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1 questions and answers which had been transcribed by
2 the stenographer?

3 A I did not see them.

4 Q This affidavit was prepared for your signa-
5 ture, was it not, by the prosecution?

6 A My statements were summarized in the state-
7 ment.

8 Q You did not write or dictate this affidavit
9 to a stenographer which was prepared by the prosecu-
10 tion?

11 A I did not understand the question clearly.

12 Q When you came to your last interview with
13 the prosecution, they had a form of affidavit,-- this
14 affidavit -- all prepared and typed, and you, after
15 reading it, signed it, is that correct?

16 A That is correct.

17 Q Were you told at these interviews, what
18 information the prosecution wanted to obtain from
19 you, and did you give them that information which
20 was requested?

21 THE MONITOR: (Addressing the official court
22 reporter) Will you repeat that slowly, please?

23 (Whereupon, the last question was
24 read by the official court reporter.)

25 A No, I was asked to narrate all that I knew

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RE CROSS

1 about the situation in the motion picture business
2 before the war. That I did.

3 Q Did you give the interrogator of the prose-
4 cution any information which is not contained or sum-
5 marized in this affidavit?

6 A I did.

7 Q What information did you give them?

8 A I told my interrogator about the various
9 types of films and the names of the films which were
10 produced.

11 Q And that is not contained in this affidavit?

12 A It is not mentioned in the affidavit, only
13 the most representative one is mentioned in the affi-
14 davit.

15 Q Did you tell them anything else?

16 A No, I did not.

17 Q The information as to the other films had to
18 do with films which were not of this propaganda na-
19 ture, is that correct?

20 THE INTERPRETER: (Addressing the official
21 court reporter) Will you read that, please?

22 (Whereupon, the last question was
23 read by the official court reporter.)

24 THE MONITOR: (Addressing official court
25 reporter) Will you say that again, please?

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RE CROSS

1 (Whereupon, the last question was
2 again read by the official court reporter.)

3 A I spoke about motion pictures in general,
4 with special emphasis on those of a propaganda
5 nature.

6 (Whereupon, MATSUZAKI, Susumu
7 replaced MORI, Tomio as interpreter.)
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1 Q Could you tell us very briefly, summarizing
2 just what you told the interrogator which is not
3 contained in this affidavit?

4 A I mentioned the names of many films and
5 also about the motion picture law promulgated in
6 1939, the ultimate aim of which was state control
7 of motion pictures, and also of the ruling made by
8 the Ministry of Education in 1940, which ruling
9 made it necessary that all pictures approved and
10 passed by the Ministry of Education must be shown
11 in the motion picture theaters of Japan.

12 I also said that in accordance with this
13 ruling of 1940 by the Ministry of Education three
14 hundred and sixty motion picture films were approved
15 and passed, one hundred and ten of which were de-
16 voted to such subjects as national defense, military
17 subjects, the teaching of the handling of weapons
18 and other military subjects to the adolescent Japan-
19 ese generation.

20 THE MONITOR: Correction: "three hundred
21 and six."

22 Q What were the dates between which those films
23 were shown?

24 A These pictures may be shown at any time. The
25 only thing is that these pictures must be projected

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RE CROSS

1 in motion picture houses.

2 Q I don't think you understood me. Between
3 what dates were these films shown?

4 A Beginning the first of January, 1940, for
5 three years. However, after the lapse of three
6 years, if those motion picture distributors are de-
7 sirable, the projection of these films may be extend-
8 ed for another three years.

9 Q The balance of the two hundred and fifty
10 films were not of a propaganda nature?

11 A Where did you get the figure two hundred
12 and fifty?

13 Q The difference between three hundred and
14 sixty films and one hundred and ten films which you
15 said were devoted to propaganda.

16 A I said that there were three hundred and
17 six pictures of which one hundred and ten were of a
18 propaganda nature.

19 Q I am sorry. The balance of one hundred and
20 four, two hundred and four, were they not of a propa-
21 ganda nature?

22 A These pictures were devoted to national
23 health, physical hygiene, natural science and other
24 such subjects.

25 Q That does not include all of the films

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1 produced in Japan, does it? There were other films
2 of a general nature which were produced for amuse-
3 ment and entertainment?

4 A Yes. I am only speaking now of cultural
5 or documentary films.

6 Q About how many films were produced and
7 shown during that period which were not of that
8 nature?

9 A Does that mean from what year to what year?

10 Q When this law went into effect in 1940 --
11 during the same period that the three hundred and
12 ten films were produced and shown.

13 A Are you speaking of story pictures?

14 Q Entertainment pictures and general pictures
15 not of this nature that you have just testified to.

16 THE PRESIDENT: I am not too clear about
17 this, Mr. Furness.

18 MR. FURNESS: What is that?

19 THE PRESIDENT: It seems to be a matter of
20 simple subtraction to me. I may misunderstand what
21 you are after.

22 MR. FURNESS: I think, sir, he said three
23 hundred and six films were produced.

24 THE PRESIDENT: Of which one hundred and ten
25 were militaristic.

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1 MR. FURNESS: Which had to be shown. One
2 hundred and ten were militaristic and the balance --

3 THE PRESIDENT: The balance could be ascer-
4 tained by simple subtraction.

5 MR. FURNESS: The balance were on national
6 health and other matters but they also had to be
7 shown. What I am trying to point out is that there
8 were many other pictures of a general entertainment
9 nature which did not have to be shown which were pro-
10 duced and shown in the movie theaters of Japan dur-
11 ing that period.

12 THE PRESIDENT: I take it there would be
13 one hundred and ninety-six innocuous pictures and
14 that the difference between the innocuous pictures
15 would not matter.

16 MR. FURNESS: I think not, sir.

17 THE PRESIDENT: I must understand what you
18 are talking about though.

19 Q Were any pictures produced in Japan during
20 this period not included among the three hundred and
21 six pictures which you have just mentioned?

22 A Yes, indeed. There were many story pictures
23 filmed in that period. I do not have the exact fig-
24 ures but I should think between one hundred and twenty
25 and one hundred and thirty.

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RE CROSS

1 MR. FURNESS: That is all from this counsel.

2 RE CROSS-EXAMINATION (Continued)

3 BY MR. SUGAWARA:

4 Q In your affidavit you state that you have
5 been engaged in the motion picture business for ten
6 years. Before that, what were you engaged in?

7 THE MONITOR: Correction: "for the past ten
8 years."

9 A I was attending school.

10 Q That means you were a student?

11 A Yes.

12 Q At the time of the Manchurian Incident where
13 were you and what were you doing?

14 A At the time of the Manchurian Incident I was
15 still a student.

16 Q Then there is no mistake that you were not
17 engaged in film production at that time?

18 A Yes, that is so. I was merely one of the
19 members of a club which devoted some of their time
20 to the study of motion pictures. I was at the Taka-
21 nawa Commercial School.

22 Q When did you see this picture for the first
23 time?

24 A At the end of the eighth year of Showa;
25 that is 1933.

NAKAI

RE CROSS

1 Q Then you saw this picture at your study
2 club at your school?

3 A That is not so. I saw that picture when
4 a newspaper company's roving movie picture came
5 around to a certain school in the Shiba Ward.
6 After 1935, after entering a company, I had the
7 opportunity to go around with such a roving movie
8 picture company to show such pictures myself.

9 Q Before being interrogated by the proso-
10 cution, when recently did you see this picture?

11 A Recently I have not seen it.

12 Q Then in your affidavit you state that the
13 War Minister at the time was Lieutenant General
14 ARAKI -- that is more than ten years ago.

15 A I have read a number of books, but in a
16 book published by a Mr. Fleischer entitled "Whither
17 Japan?" -- towards the end of this book I noted such
18 a statement.

19 THE MONITOR: Correction: "published in
20 1936."

21 Q The title of the picture itself shows
22 that the motion picture film in question was produced
23 by the newspaper Mainichi Shimbun. Now did this
24 newspaper produce the picture voluntarily on its own
25 initiative or by some order from the military?

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RE CROSS

1 A As for the production of this picture, I
2 do not know. But as for those pictures produced after
3 that, I do know that they were produced on instruc-
4 tions from the authorities.

5 Q As a producer of motion pictures, you must,
6 no doubt, be experienced in how to make pictures.
7 Would it be possible for a producer to, for instance,
8 record the speech of the War Minister and then cut
9 it and edit it before presentation?

10 A Of course, a part would be used for such
11 purpose but as for that particular picture, such a
12 method was not resorted to.

13 LANGUAGE SECTION CHIEF: "And the entire
14 speech of General ARAKI was given."

15 Q At the time of the Manchurian Incident, you,
16 as a student, were, no doubt, interested in motion
17 pictures and through motion pictures, no doubt, also
18 paying your attention to world developments. Now,
19 after the Manchurian Incident did you follow closely
20 the developments within Japan and also developments
21 in the world?

22 A I was particularly interested in inter-
23 national problems and I studied such problems serious-
24 ly -- earnestly.

25 Q Then are you aware of the situation and the

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1 conditions in China at the time of the outbreak of
2 the Manchurian Incident?

3 A According to -- from what I gathered from
4 books and newspapers, I was very well aware of the
5 problems confronting China.

6 Q Are you also aware that in the light of the
7 relationship with China as well as with the situation
8 within Japan that the people were very much anxious
9 and entertained various misgivings regarding the
10 situation then developing?

11 A That is so and for that reason I was very
12 much influenced or moved upon seeing this picture.

13 Q Then are you also aware of the fact that
14 Japan's intention was not that of world domination
15 through aggressive means but that her moves were for
16 purposes of self-defense?

17 THE MONITOR: Correction: "the purpose of
18 this picture was."

19 MR. JUSTICE HANSFIELD: If the Tribunal
20 please, I object to this line of cross-examination
21 as it goes beyond the scope of the direct examination
22 and I submit is irrelevant.

23 THE PRESIDENT: What tests are you asking
24 me to apply, Mr. Justice Mansfield?

25 MR. JUSTICE HANSFIELD: The first test is

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1 that it goes beyond the scope of the direct exami-
2 nation. I ask that the Tribunal confine the cross-
3 examination to the subject covered by the direct
4 examination. And secondly, that this witness is not
5 an expert in international affairs and any answer
6 he might give to the question asked would be entirely
7 irrelevant and useless.

8 THE PRESIDENT: What is the next question?

9 Q I am trying to determine the belief of the
10 witness with respect to the statement in the affidavit
11 which states that it was Japan's divine mission to
12 rule the Great Far East and ultimately the world.

13 If, as the prosecution states, this witness is
14 not an expert on international affairs, then I should
15 consider this witness as a non-expert and therefore,
16 there is no need for the witness to reply to my
17 interrogation.

18 THE PRESIDENT: Treat him as a non-expert.

19 LANGUAGE ARBITER (MAJOR MOORE): Mr. President:

20 THE PRESIDENT: Wait until we get the trans-
21 lation.

22 Q As a result of seeing this picture recently,
23 one can readily understand that General ARAKI's
24 philosophy as reflected in his statements -- that is,
25 his philosophy is a purely characteristically Japanese

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1 philosophy, the concept of which is that morality as
2 existing in the universe is formless but ever devel-
3 oping; that if the people, if each individual walks
4 the path according to the teaching of this morality,
5 that would be personal virtue. If a nation treads
6 the path of this morality, it would be a national
7 virtue. And if a people tread the path of this
8 morality, it would be a public morality. It is an
9 over-developing philosophy. It is both unlimited both
10 from the standpoint of time and space. It is uni-
11 versal in its application. It is this virtue of
12 Japan which, through the mouth of General ARAKI,
13 Japan was intending and desiring to disseminate to
14 the world in a moral sense as one of the missions of
15 the Japanese people. It is a philosophy of Japan.
16 What does the witness think of this?

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1 THE PRESIDENT: That is not a question really.
2 It is a statement, and a very long one, and we cannot
3 permit statements of that length, terminating in a
4 short question, and the witness could not be expected
5 to answer that. It is a matter for an expert, and a
6 very good one, and he is not an expert. We have some
7 little difficulty about the attitude of the prosecu-
8 tion on affidavits. As long as the question is relevant
9 to the issue, it is admissible. It is not necessarily
10 confined to the affidavit. If the cross-examination
11 is to be limited here to the affidavit, then we may
12 have to reconsider whether we will allow this matter
13 to proceed on affidavit, because it will impose an
14 undue limitation upon the defense.

15 I think we have heard enough from you. I
16 think you have exhausted all the legitimate ques-
17 tions that you have to put.

18 MR. JUSTICE MANSFIELD: If the Tribunal
19 please, the prosecution's position is that it does
20 not suggest that the cross-examination should be
21 limited to the matter contained in the affidavit, but
22 to the field covered by the affidavit.

23 THE PRESIDENT: Well, the field is
24 militaristic propaganda, from which the accused's
25 counsel did not depart.

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1 Is there any further cross-examination?

2 DR. KIYOSE: The defense has no more cross-
3 examination.

4 MR. DONIHI: The prosecution does not desire
5 to reexamine.

6 (Whereupon, the witness was excused).

7 MR. DONIHI: Mr. President, the prosecution
8 would like to call Captain Donohue as a witness.

9 MARSHAL OF THE COURT: Mr. President, the
10 witness, Captain Donohue, is in court and will now be
11 sworn.

12
13 T. F. DONOHUE, called as a witness on be-
14 half of the prosecution, being first duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. DONIHI:

18 Q Will you state your name to the Court?

19 A Captain T. F. Donohue, U.S.N.

20 Q What command do you now hold with the
21 United States Navy?

22 (Whereupon, IWAMOTO, Masahito
23 replaced MOTONO, Seichi as interpreter.)

24 A No command at present. I am attached to
25 the staff of ComNavJap as mine sweeping officer.

1 Q How long have you been a member of the
2 United States Navy?

3 A It will be twenty-three years next month.

4 Q What commands have you held in those twenty-
5 three years?

6 A I have served on all types of combatant
7 ships, battleships, heavy cruisers, destroyers,
8 submarines and mine sweepers. The commands have
9 been three different mine sweeping squadrons.

10 Q As a Captain in the United States Navy
11 have you familiarized yourself with the various
12 types of ships of the various navies of the world?

13 A Yes.

14 Q I hand you herewith some photographs of
15 ships. Will you identify them for me?

16 A These are ships of the United States
17 Navy of the Maryland class, Maryland and California
18 classes.

19 Q Are all of the photographs included in
20 that same category?

21 A All these photographs comprise pictures of
22 the Maryland and California class battleships, Ameri-
23 can battleships.

24 Q Are the pictures which you now hold in your
25 hand pictures of American battleships?

DONOHUE

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1 A Positively, yes.

2 MR. DONIHI: This is exhibit No. 149, may it
3 please the Court. I should like to have them marked
4 for identification at this time, as part of the testi-
5 mony of this witness.

6 THE PRESIDENT: They will be numbered and
7 lettered as before.

8 (Whereupon, the photographs above re-
9 ferred to were marked prosecution's exhibit No.
10 149 for identification.)

11 MR. DONIHI: They are herewith tendered.
12 The witness will not be further examined by the pro-
13 secution.

14 THE PRESIDENT: Any cross-examination?

15 MR. LOGAN: No cross-examination.

16 THE PRESIDENT: That will do, witness; leave
17 the box, please.

18 There is Japanese counsel standing up at the
19 back. I did not notice him.

20 MR. NARITOMI: If we are to make any cross-
21 examination we should have an opportunity to view the
22 pictures first. What shall we do about it?

23 THE PRESIDENT: Well, the witness will be
24 called for cross-examination later if necessary.
25 That ought to satisfy him.

DONOHUE

1 MR. NARITOMI: That means then, Mr. President,
2 that we of the defense may call this witness at a
3 later date, after we have purviewed the evidence
4 offered by the prosecution with respect to this wit-
5 ness?

6 THE PRESIDENT: Yes. They do not know them-
7 selves whether they want to cross-examine him or not.

8 MR. NARITOMI: That will be all right.

9 (Whereupon, the witness was excused.)

10 MR. DONIHI: The prosecution now desires to
11 examine Mr. Tomin SUZUKI as a witness.

12 THE PRESIDENT: We will now recess for
13 fifteen minutes.

14 (Whereupon, at 1043, a recess was
15 taken, after which the proceedings were
16 resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: The motion which I stated
4 in Chambers today would be taken at nine o'clock
5 tomorrow morning will be taken at nine-thirty.

6 Yes, Mr. Donihi.

7 MR. DONIHI: At this time, if it please
8 the Tribunal, the prosecution should like to de-
9 liver into the hands of the Clerk of the Court, the
10 film, twelve reels, entitled "Critical Period of
11 Japan," and ask that it be marked as the testimony
12 of the witness NAKAI.

13 CLERK OF THE COURT: This has been marked
14 exhibit 148.

15 THE PRESIDENT: It cannot be 148. There
16 is 149 and 150.

17 CLERK OF THE COURT: 148 that we already
18 have is the excerpts from this film. So it will
19 be 148 with the usual letters, you see, for each.

20 (Whereupon, the document orig-
21 inally marked prosecution's exhibit No.
22 148 was marked prosecution's exhibit No.
23 148-a and the film above referred to was
24 marked prosecution's exhibit No. 148-b to
25 m inclusive for identification.)

1 MR. McMANUS: Mr. President and Members of
2 the Tribunal, if this film is to be marked as an ex-
3 hibit, I request the President to instruct the prose-
4 cution that the whole film be shown in its entirety
5 and no parts thereof.

6 THE PRESIDENT: I suppose the instruction
7 is unnecessary, but I give it.

8 MR. DONIHI: Will you state your name to
9 the Tribunal, please?

10 MARSHAL OF THE COURT: I beg your pardon.
11 The witness has not been sworn, sir.

12 (Whereupon, Mr. SUGAWARA pro-
13 ceeded to the lectern.)

14 THE PRESIDENT: We should not allow these
15 interruptions. What do you want to say?

16 MR. SUGAWARA: I should like to say a few
17 words regarding this motion picture film.

18 THE MONITOR: Correction: Motion picture
19 film's translation.

20 MR. SUGAWARA: On Saturday the members of the
21 defense counsel and members of the language section
22 conferred with respect to the translation. As a
23 result of this conference, the Japanese version of
24 the commentary presented to us by the prosecution
25 contains at least twenty-seven errors, errors which

SUZUKI

DIRECT

1 in my mind are very serious errors. These are very
2 important questions in the sense that some facts
3 contained therein which are, in our estimation, fav-
4 orable to the defense are interpreted in a manner
5 inimical to the position of the defense.

6 THE PRESIDENT: It is now too late to dis-
7 cuss the matter further at this stage. I told you
8 and others that you would be able to cross-examine
9 after the picture had been shown; and in the course
10 of the cross-examination you will be able to estab-
11 lish the errors, perhaps. There is no need for any
12 further discussion this morning. That will do.

13 MARSHAL OF THE COURT: Mr. President, the
14 witness SUZUKI is in court and will now be sworn.
15 T O M I N S U Z U K I, called as a witness on be-
16 half of the prosecution, being first duly sworn,
17 testified as follows:

DIRECT EXAMINATION

BY MR. DONIHI:

20 Q Will you state your name to the Tribunal?

21 A SUZUKI, Tomin.

22 Q I hand you herewith, Mr. Tomin -- Mr. SUZUKI,
23 a document marked prosecution document 11,526, and
24 Tribunal exhibit No. 150.
25

SUZUKI

DIRECT

1
2 Q (Continuing) Will you examine this document and
3 determine whether you have seen it before?

4 A There is no mistake.

5 Q Is that document your affidavit?

6 A Yes.

7 Q Do you read English, Mr. SUZUKI?

8 A Yes, I can read English.

9 Q Before signing this affidavit, did you read
10 the full text of English and then was it translated
11 from English into Japanese for you?

12 A I read the statement in its entirety in
13 English.

14 MR. DONIHI: May I proceed to read the affi-
15 davit, Mr. President?

16 "International Military Tribunal for the Far
17 East. The United States of America, et al, against
18 ARAKI, Sadao, et al. Affidavit.

19 "I, SUZUKI, Tomin, make oath and say as
20 follows:

21 "I am an editorial writer, and have been
22 employed since 1935 by the newspaper Yomiura Shimbun.
23 On numerous occasions between 1935 and the outbreak
24 of the Pacific War in December 1941, I wrote articles
25

SUZUKI

DIRECT

1 favoring settlement of the China dispute, depicting
2 peace, questioning Japan's right to rule China and
3 criticizing Japanese military aggression. All of my
4 writings on these subjects were written in a manner
5 calculated not to be offensive to governmental policy.
6 On each occasion I thus indicated disfavor in my
7 writings with governmental policy I received visits
8 from the military police and civil police, who warned
9 me not to write upon such subjects again.

10 "Newspapers and publications in Japan since
11 1935 have been subjected to strict censorship directed
12 by the government and put in practice by the Home
13 Ministry. Newspapers were not permitted to print
14 anything on political matters except such news items
15 as were issued by the various ministries of the
16 government, with the result that newspapers published
17 little besides propaganda tending to justify Japanese
18 militaristic and aggressive warfare objectives. In
19 addition to the various censorship laws in existence,
20 it was the practice for the government through the
21 Home Ministry, to issue press bans on news items,
22 which officials of the government decided should be
23 withheld from the Japanese public.

24 "The various ministries of the government
25 directed newspapers in relation to the manner in

SUZUKI

DIRECT

1 which news items should be treated, and in addition
2 thereto, it was the practice particularly of the Navy
3 Press Bureau, Army Press Bureau and Foreign Office
4 Press Bureau to call individual writers and journal-
5 ists to their offices periodically and issue instruc-
6 tions to them as to the material which could be pub-
7 lished and the manner in which such material must be
8 published.

9 "That newspapers and publications in Japan
10 from 1935 until the termination of the Pacific War
11 were completely under the control and domination of
12 the Japanese government, and during these years there
13 was no such thing as the semblance of a free press
14 in Japan."

15 Signed "Tomin SUZUKI."

16 Prosecution tenders herewith the affidavit
17 of this witness and asks that it be marked an exhibit
18 and to be used as the evidence of direct examination.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 150 for identification.)

22 THE PRESIDENT: Admitted.

23 (Whereupon, prosecution's exhibit
24 No. 150 was received in evidence.)

25 Q Mr. SUZUKI, are all of the statements ..

SUZUKI

DIRECT
CROSS

1 contained in this affidavit true and correct?

2 A All true, so I think.

3 MR. DONIHI: The defense may examine the
4 witness.

5 THE PRESIDENT: Dr. KIYOSE.

6 CROSS EXAMINATION

7 BY DR. KIYOSE:

8 (Whereupon, Dr. KIYOSE proceeded to
9 interrogate the witness in Japanese.)

10 LANGUAGE ARBITER (Major Moore): Mr. Presi-
11 dent, could we humbly suggest that counsel make their
12 statements short? It is absolutely impossible --
13 sometimes the interpreter can, fortunately, take a
14 long sentence and put it into good English or
15 Japanese. But we simply put a burden on the inter-
16 preters, sir, which I feel is unjust.

17 Q Mr. SUZUKI, in the last paragraph of the
18 affidavit you state: "That newspapers and publica-
19 tions in Japan from 1935 until the termination of the
20 Pacific War were completely under the control and
21 domination of the Japanese government, and during
22 these years there was no such thing as the semblance
23 of a free press in Japan."

24 Yet, in spite of that statement, Mr. SUZUKI,
25 you yourself have written on four subjects during the

SUZUKI

CROSS

1 existence of such a rigid control; one favoring
2 settlement of the China dispute, another depicting
3 peace, and another questioning Japan's right to rule
4 China, and another criticizing Japanese military
5 aggression.

6 THE PRESIDENT: Well, the question, of course,
7 must be as long as the circumstances warrant. That
8 question is based on a paragraph of the affidavit
9 and is necessarily lengthy. But I would ask
10 Dr. KIYOSE to make his questions as short as possible.

11 I suggest, Dr. KIYOSE, that when drafting
12 this question, you might have put it this way:
13 Notwithstanding what you say in paragraph such-and-
14 such of your affidavit, haven't you written certain
15 articles?

16 DR. KIYOSE: I shall do as advised. Then,
17 I shall state the same question in a different form.

18 Q In your affidavit you state that from 1935
19 to the end of the war, the Japanese press has been
20 under complete government control. Is it so?

21 A It is as you say.

22 Q Notwithstanding that, you have written
23 articles favoring a speedy settlement of the China
24 Incident, as well as articles condemning or criti-
25 cizing Japanese military action. Is that all right,

SUZUKI

CROSS

1 as you state?

2 THE MONITOR: Correction: Aggression.

3 A I was not allowed to publish my opinion on
4 such problems at that time in the press. However,
5 in certain magazines where a certain freedom of
6 speech was allowed, I made such statements. In some
7 liberal magazines I took the opportunity to express
8 such an opinion.

9 Q Then, these four articles were not written
10 by you as an editorial writer, isn't that so?

11 A As an editorial writer I did not possess
12 such freedom.

13 Q But in the last paragraph of your affidavit
14 you say that newspapers and publications in Japan
15 were under complete government control?

16 A There is a certain amount of difference
17 between newspapers and magazines. As soon as the
18 government began to place restrictions on press pub-
19 lications, the various newspapers soon began to play
20 into the hands of the government officials and these
21 restrictions were obeyed to the very letter.

22 However, as far as magazine editors were
23 concerned, there were not a few among them who tried
24 to make use of whatever loopholes there were left in
25 such regulations, and I was able to make use of such

SUZUKI

CROSS

1 loopholes.

2 THE MONITOR: Correction: Rather than
3 magazine editors, magazine publishers.

4 Q Is my understanding correct when I take you
5 to mean in the first half of your reply that you
6 stated that the press in some instances even went
7 ahead of the government in truckling with the govern-
8 ment in enforcing certain controls over the press?

9 A That is so.

10 Q With respect to publications other than
11 newspapers you spoke about, that you were able to
12 take advantage of certain loopholes: I take it that
13 your statement is correct?

14 A That is so.

15 Q In other words, then, you mean to say that
16 the four articles, the articles you wrote on these
17 four subjects, were written by taking advantage of
18 these loopholes in the restrictions?

19 A That is so.
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1 Q Until when were you with the Yomiuri
2 Shimbun?

3 A I was with the Yomiuri Shimbun until the
4 end of September, 1944. However, up until September
5 15, 1945 I was suspended from duty at that newspaper.

6 Q And recently?

7 A I am now with the Yomiuri Shimbun.

8 Q Then you are a member of the Yomiuri
9 Shimbun staff at the present moment?

10 A Yes. I am now a member of the Yomiuri
11 Shimbun staff.

12 Q Are you connected in any way with the
13 strike at the Yomiuri Shimbun?

14 A Yes, I have some connection.

15 Q Hasn't the witness an ideology which is
16 quite close to communism?

17 A I am an exponent of democracy in Japan.
18 I am a pupil or disciple of Dr. YOSHINO who was an
19 active advocate of democracy in Japan.

20 THE PRESIDENT: His politics hardly concern
21 us. His war aptitude does.

22 Q Is there any evidence or indication that
23 the government, during the war, misunderstood you
24 to be a communist?

25 A Mr. KIYOSE has just called me a liberal.

SUZUKI

CROSS

1 But, may I correct that? I am a democrat.

2 Q Now I understand you to be a democrat,
3 whatever that may be. Is it so that during the war
4 the government misunderstood you to be a communist?

5 A That is so. The Japanese police did every-
6 thing in their power to make a communist out of me.
7 On the twelfth of September, 1944 I was called to
8 the Yokohama police station. The officer who was
9 in charge of the investigating into my activities --
10 namely, a certain KARASAWA -- told me that the
11 ideology I possessed leaned far to the left; that
12 is to say, I was a communist.

13 THE MONITOR: Correction: twenty-second
14 of September, 1944.

15 THE PRESIDENT: I have heard sufficient on
16 the question of alleged bias, Dr. KIYOSE.

17 (Whereupon, IWAMOTO, Masahito
18 replaced MATSUZAKI, Susumu as interpreter.)

19 CROSS-EXAMINATION (Continued)

20 BY MR. FURNESS:

21 Q In the second paragraph of your affidavit
22 you state that on numerous occasions, between 1935
23 and the outbreak of the Pacific War in December,
24 1941, you wrote various articles, some on the settle-
25 ment of the China dispute, some depicting peace, some

1 questioning Japan's right to rule China, and some
2 criticizing Japan's military aggression. Will you
3 now give us the names of those articles? At the
4 same time, give us in what publication each of the
5 articles appeared, and at the same time give us
6 the date of the publications.

7 A During the war I changed my residence so
8 frequently that I lost all the data I had in my
9 possession. Furthermore, realizing that it would
10 be a danger to me if I kept a diary, I kept no
11 notation of anything I wrote. Therefore, I have
12 nothing in the way of materials to offer informing
13 you of what articles were written when and in what
14 publications.

15 Q Then you don't remember the names of the
16 articles, the publications in which they were
17 published, or when they were published; is that
18 correct?

19 THE MONITOR: Will the reporter kindly
20 read the last question?

21 (Whereupon, the last question was
22 read by the official court reporter.)

23 A If I am to recollect my memory, I might say
24 that on April 16, 1937 I wrote an article in the
25 Yomiuri Shimbun criticizing the Nazis. I wrote

SUZUKI

CROSS

1 this article stating that if Japan and Nazi Germany
2 should collaborate it would drag Japan into an
3 aggressive war, and, therefore, such collaboration
4 must be avoided.

5 THE MONITOR: Correction: In order to
6 prevent such collaboration, I wrote that article.

7 A (Continuing) At about the same time I
8 wrote an article in a magazine, Bungei Shunju, on
9 the subject of "European Peace," stating that the
10 peace-loving nations must enter into a pact of
11 mutual guarantee in order to meet the possibilities
12 of German aggression.

13 Q What articles did you write favoring
14 settlement of the China dispute?

15 A I wrote little about the China Incident,
16 but I do recall that I have written articles on
17 the subject.

18 Q You have kept none of these articles and
19 delivered none to the members of the prosecution
20 prior to giving your affidavit; is that correct?

21 A I have not presented my articles to the
22 prosecution. However, I can say that there is not
23 one falsehood in what I have stated in my affidavit.
24 A magazine called "Jiron" of a recent number has
25 carried an article by one, UCHIYAMA, Rin on the

SUZUKI

CROSS

1 subject of Tomin SUZUKI. In that article he states
2 that SUZUKI, that is myself, during the war loyally
3 upheld the principle of pacifism even though in a
4 passive manner.

5 MR. FURNESS: If this were an ordinary
6 Court I would move to strike out that latter part
7 of the answer, but I understand that it is not to
8 be stricken unless it is scandalous.

9 THE PRESIDENT: That is correct. We will
10 not sustain that unless it is scandalous or malicious.

11 THE MONITOR: Will the reporter please
12 read the last statement by Mr. Furness?

13 (Whereupon, the last statement
14 by Mr. Furness was read by the official
15 court reporter.)

16 Q In connection with all your troubles in
17 the government that you mentioned in your affi-
18 davit, I understand that you have never been ar-
19 rested or detained by the police, is that correct?

20 A I have never been arrested, but I was de-
21 tained for two days by the Yokohama police for inves-
22 tigation; and, instead of being arrested, I was
23 ordered to leave Yokohama and to stop writing or
24 lecturing. Thereupon, on the promise that I would
25 go to a farm in the prefecture of Iwate, I was not

SUZUKI

CROSS

1 arrested or indicted, and I was engaged in farming
2 for about a year in that prefecture.

3 Q In connection with making this affidavit
4 prior to signing it, you had several interviews with
5 the prosecution, is that correct?

6 A Yes, that is true.

7 Q You were asked questions in English or
8 Japanese?

9 A The questions were put to me in English
10 and translated by an interpreter.

11 Q And the answers that you had given were
12 given in Japanese and translated into English, is
13 that correct?

14 A That is correct.

15 Q And those answers in English were taken
16 down by the stenographer; is that correct?

17 A I know it was rendered into English be-
18 cause I saw the document later, but I do not know
19 whether it was taken down by a stenographer be-
20 cause I was not there at the time.

21 Q Did you ever see a copy of the questions
22 and answers which were put to you -- those interro-
23 gations -- prior to signing the affidavit?

24 A Yes, I read it.

25 Q Do you understand that I am not referring

SUZUKI

CROSS

1 to this affidavit? I am referring to questions and
2 answers -- questions which were asked of you at the
3 preliminary interrogations, answers which you gave
4 at the same time which were taken down.

5 A That I have not seen.

6 Q So that after these preliminary interviews
7 you were presented with an affidavit which had been
8 made up from the information you gave the prosecu-
9 tion and requested to sign, is that correct?

10 A It is as you just said.

11 Q And during the interviews you were told by
12 the prosecution what information they wanted to
13 obtain from you, and you gave them that information,
14 is that correct?

15 A That is a fact.

16 THE PRESIDENT: I should like to explain,
17 in relation to this matter of striking out parts of
18 an answer, that we have not been able to agree upon
19 a practice of any particular nation. There are
20 eleven nations represented here, and each is entitled
21 to have its own procedure considered. But that is
22 the best we have been able to do as regards striking
23 out.

24 That may help you to bear the decisions of
25 the Tribunal a little more philosophically, Mr.

SUZUKI

CROSS

1 Furness.

2 MR. FURNESS: The answer was not responsive
3 and very self-serving. Those were my grounds for
4 objection.

5 THE PRESIDENT: This is a convenient break.
6 We will recess now until thirty minutes after one.

7 (Whereupon, at 1200, a recess was
8 taken.)

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AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at
2
3 1330.

4 (English to Japanese and
5 Japanese to English interpretation was
6 made by MORI, T. and SHIMANOUGH, T.,
7 Akira Itami acting as Monitor.)
8

9 MARSHAL OF THE COURT: The International
10 Military Tribunal for the Far East is now resumed.

11 MR. LOGAN: May it please the Tribunal.

CROSS-EXAMINATION

12
13 BY MR. LOGAN:

14 Q Mr. SUZUKI, did censorship prevail in Japan
15 prior to 1935?

16 A I think censorship was in existence before
17 that time.

18 Q As a matter of fact, it has been in
19 existence in Japan since the beginning of the
20 Twentieth Century, is that not true?

21 A I think that is true.

22 Q Now, in your opinion, as a newspaper man,
23 is strict censorship necessary in any country during
24 hostilities?

25 A I recognize that.

SUZUKI

CROSS

1 Q That is true?

2 A It is true.

3 Q At the time you gave your statements to
4 the prosecution, did you give anyone in the office of
5 the prosecution any information not contained in your
6 affidavit?

7 A I don't remember saying anything beyond
8 what has been written in my affidavit.

9 MR. LOGAN: That is all.

10 THE PRESIDENT: Is there any further cross-
11 examination?

12 It is understood that only one counsel will
13 be heard on behalf of each accused.

14 MR. HOZUMI: Mr. President, I would like to
15 have an examination taken as representative of Mr. TOGO.
16 I may take it, with the Court's permission, for KIDO
17 also.

18 CROSS-EXAMINATION

19 BY MR. HOZUMI:

20 Q Have you, Mr. SUZUKI, at about the time of
21 the outbreak of the war of Greater East Asia written
22 any articles in newspapers or magazines with refer-
23 ence to this war?

24 A In magazines I wrote many articles.

25 Q Have you, Mr. SUZUKI, in 1941 met Mr. TOGO,

SUZUKI

CROSS

1 then Foreign Minister, received some information,
2 and then wrote an article centering around that story?

3 A When I wrote about Mr. TOGO, the Foreign
4 Minister at that time, in the magazine, "Contemporary
5 Japan," I interviewed him.

6 Q At that time, or on another occasion -- I
7 do not myself know which -- when you met Mr. TOGO,
8 the Foreign Minister, did you not hear from Mr. TOGO
9 the fact that he in accepting the office of Foreign
10 Minister had talked over this matter with the then
11 Prime Minister, General TOJO, and had received from
12 the Premier assurances that he, too, would make every
13 effort possible to bring about a settlement of the
14 Japanese-American negotiations? Do you recall any
15 statement of the Foreign Minister of that kind?

16 A I have always believed Mr. TOGO to be an
17 exponent of peace, and when he accepted his post as
18 Foreign Minister in the TOJO Cabinet, I was very
19 much surprised, and I asked him why he accepted this
20 post. Mr. TOGO informed me that he had received
21 definite assurances from General TOJO that his, namely,
22 Mr. TOGO's policy -- foreign policy -- will be sup-
23 ported by General TOJO, and inasmuch as General TOJO's
24 policy was to bring about a peaceful settlement between
25 Japan and America, Mr. TOGO accepted the post, and it

SUZUKI

CROSS

1 then Foreign Minister, received some information,
2 and then wrote an article centering around that story?

3 A When I wrote about Mr. TOGO, the Foreign
4 Minister at that time, in the magazine, "Contemporary
5 Japan," I interviewed him.

6 Q At that time, or on another occasion -- I
7 do not myself know which -- when you met Mr. TOGO,
8 the Foreign Minister, did you not hear from Mr. TOGO
9 the fact that he in accepting the office of Foreign
10 Minister had talked over this matter with the then
11 Prime Minister, General TOJO, and had received from
12 the Premier assurances that he, too, would make every
13 effort possible to bring about a settlement of the
14 Japanese-American negotiations? Do you recall any
15 statement of the Foreign Minister of that kind?

16 A I have always believed Mr. TOGO to be an
17 exponent of peace, and when he accepted his post as
18 Foreign Minister in the TOJO Cabinet, I was very
19 much surprised, and I asked him why he accepted this
20 post. Mr. TOGO informed me that he had received
21 definite assurances from General TOJO that his, namely,
22 Mr. TOGO's policy -- foreign policy -- will be sup-
23 ported by General TOJO, and inasmuch as General TOJO's
24 policy was to bring about a peaceful settlement between
25 Japan and America, Mr. TOGO accepted the post, and it

SUZUKI

CROSS

1 was General TOJO's opinion at that time that the rea-
2 son for his assuming the post of War Minister and
3 Prime Minister at the same time was in order to sup-
4 press military, which was very important at that time
5 to effect this peaceful solution. "That is why I re-
6 ceived the post," he informed me then, but I was doubt-
7 ful and I tried to make sure whether he was thoroughly
8 convinced that General TOJO would live up to his
9 words. To my question Mr. TOGO answered that he had
10 known General TOJO for a long time, and he was more or
11 less convinced that even General TOJO was aware that
12 in order to bring about a peaceful solution of the
13 problem between Japan and America, it was necessary
14 for him to keep such a promise. He told me he was
15 thoroughly convinced that General TOJO would not be-
16 tray him.

17 Q Have you ever written an article on what you
18 have just spoken about?

19 A I did not write any article on that point.

20 Q Then it is quite certain that you heard what
21 you have just said from Mr. TOGO?

22 A I wish to correct what I have said before.

23 I wish to say that after the conclusion of
24 the war, I wrote an article to this effect.

25 MR. HOZUMI: Thank you.

SUZUKI

CROSS

1 THE PRESIDENT: Does any other counsel wish
2 to cross-examine?

3 Mr. Donihi.

4 MR. DONIHI: The prosecution will not examine
5 the witness further, Mr. President.

6 (Whereupon, the witness was excused.)

7 MR. DONIHI: Mr. President, after reflecting
8 upon the prosecution's case thus far, we have de-
9 cided that five witnesses, who have been subpoenaed
10 heretofore, will not be necessary to our case, and
11 we ask leave of the Tribunal to excuse them.

12 Three of these witnesses have made affi-
13 davits which have been circulated to defense counsel.
14 The names of those witnesses are: OGAWA, Keisei,
15 OGAWA being the proper name, Document 11502;
16 MOTOHASHI, Gisuke, Document 11501; and TATSUO,
17 Iwabuchi, Document 11512.

18 The two witnesses subpoenaed who have not
19 made affidavits are Miss Georgiana Foster, and Dr.
20 H. Graham Belcher.

21 At this time may I direct the Tribunal's
22 attention to the Constitution of Japan under the
23 Bill of Rights, Chapter 2, Article 29, this document
24 having been heretofore introduced by Mr. Horwitz and
25 made exhibit 68 of the Tribunal.

1 Article XXIX: "Japanese subjects shall,
2 within the limits of law, enjoy the liberty of speech,
3 writing, publication, public meetings, and associa-
4 tions."

5 Directing now the Tribunal's attention to
6 exhibit No. 84, heretofore introduced by Mr. Horwitz,
7 which exhibit is known as the National General
8 Mobilization Law, Article 20 of which provides:

9 "If necessary for national general mobiliza-
10 tion in time of war the Government may restrict or
11 prohibit the insertion of articles in newspapers or
12 other publications, in accordance with prohibitions
13 of Imperial Ordinances.

14 "The Government may prohibit sales and
15 distribution of newspapers or other publications
16 containing items which hinder the national general
17 mobilization in violation of restriction or prohibi-
18 tion under the foregoing provision, and may attach
19 them. In this case the Government also may attach
20 their original plates."

21 Directing now the attention of the Tribunal
22 to exhibit 72, known as the Organization of the Board
23 of Information:

24 "The Board of Information shall be under
25 the jurisdiction of the Prime Minister and take charge

1 of affairs concerning the following matters:

2 "1. Collection of information, reporting,
3 enlightenment and publicity concerning matters which
4 are the fundamentals of the prosecution of national
5 policies.

6 "2. Dispositions in respect of newspapers
7 and other publications as provided for in Article 20
8 of the National Mobilization Law.

9 "3. Guidance and control in respect of
10 broadcasting by telephone.

11 "4. Such guidance and control of motion-
12 pictures, phonograph records, plays and shows as are
13 necessary for the enlightenment and publicity con-
14 cerning matters which are fundamentals of the pros-
15 ecution of national policies.

16 "The Board of Information may, if necessary
17 for the execution of the affairs mentioned in the
18 preceding Paragraph, request the Government offices
19 concerned to extend their cooperation in connection
20 with the collection of information, reporting, en-
21 lightenment and publicity."

22 CAPTAIN KLEIMAN: May it please the Tribunal,
23 not having been versed with the practice in any other
24 country than the United States, I cannot understand
25 what Mr. Donihi is doing right now. It appears to me

1 that he is summing up. Will we all not be given an
2 opportunity to sum up at the conclusion of the case
3 for the prosecution and of the defense? Is not what
4 he is doing now out of order in accordance with the
5 rules of procedure and the rules of the Charter, sir?

6 THE PRESIDENT: I am unable to see how it
7 can be in order. I agree with Captain Kleiman that
8 it is out of order.

9 Captain Kleiman anticipated me. I listened
10 carefully with a view to asking you what you would
11 call this. It really is an explanation of the reason
12 for the evidence we have just heard, is it not?

13 MR. DONIHI: The Court will recall that on
14 Thursday, I believe, I made particular note to the
15 Court's attention that I would ask leave to direct
16 the Court's attention to such portions of the evi-
17 dence that has gone in as might be pertinent to the
18 phase of the case. At that time, Mr. President, you
19 will recall that I was introducing documents merely
20 by title.

21 THE PRESIDENT: This is really a summing
22 up of a section of your evidence. It is very definitely
23 helpful to us, but, as Captain Kleiman suggests, I do
24 not really know where it may lead to eventually.

25 MR. JUSTICE MANSFIELD: If the Tribunal

1 please, the document referred to was one of those
2 admitted by the Court subject to all objections as
3 to the materiality, relevancy, and other substantial
4 grounds.

5 They were introduced prior to the commence-
6 ment of the evidence in this case, and it was stated
7 that when they were introduced they would be re-
8 ferred to during the presentation of the different
9 phases, so that they could then be linked with the
10 story which was being put before the Court by the
11 prosecution.

12 The particular document referred to is one
13 of those, and it has now been referred to so that
14 if there is any desire on the part of the defense
15 to make any objection on the grounds of relevancy,
16 materiality, or any other substantial ground, it can
17 now be done. It now links in with this particular
18 phase of the case.

19 THE PRESIDENT: We gave you leave to open
20 your case in sections, and we could give you leave
21 to sum up in sections.

22 MR. JUSTICE MANSFIELD: This is not a sum-
23 ming up, if the Court please. This is a reference to
24 an actual document from Japanese government sources,
25 and it shows the controls which were legally

1 exercisable over propoganda, censorship, and so on
2 by the different ministries, and it links in with
3 the evidence which has already been given.

4 THE PRESIDENT: Is it what the Japanese
5 government or the accused did that matters? The
6 powers they held in their state are quite relevant.
7 If they did these things without having the power to
8 do so, so much stronger the case against them, but
9 why the prosecution should want to show the source
10 of their authority and show it was legal I do not
11 know.

12 This case will be unduly prolonged if the
13 prosecution is going to undertake to show what the
14 Japanese accused did had some foundation in law.
15 That does not concern us. If it had no foundation in
16 law it would add to the malice of their conduct,
17 but it is not for the prosecution to prove that it
18 had a foundation in law. That might be for the
19 defense.

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1 MR. JUSTICE MANSFIELD: This document as is
2 termed, is headed "Handle as Ultra-Secret, General
3 Mobilization" and it was obtained from the War Min-
4 istry. It is an ordinance passed by the War Ministry
5 at a time when Japan was preparing for war and taking
6 all safeguards to see that proper preparations were
7 made and it is part of the acts of the War Ministry,
8 is part of a government then preparing for war, and
9 the prosecution proposes to prove that the members
10 of the government at that time knew, and that includes,
11 of course, some of the defendants, knew, of course,
12 that this preparation was being made, and it was all
13 part of the general conspiracy.

14 CAPTAIN KLEIMAN: If it please the Tribunal,
15 I understand that we do have a charge of conspiracy,
16 that each of these defendants are alleged to have
17 been involved in certain agreements, in certain
18 actions where there is a common plan. But, never-
19 theless, are they each not an individual defendant
20 before this Tribunal? Do we now forfeit our right
21 to object if the prosecution does not connect my
22 particular defendant HIRANUMA? So far I have not
23 heard one word before this Tribunal that has con-
24 nected any of the alleged acts to the defendant
25 HIRANUMA and I am waiting for that period; and when

1 that period arises, I will object to the various
2 documents on the ground that they do not concern his
3 particular case because he, in that particular con-
4 spiracy, had not been involved.

5 MR. JUSTICE MANSFIELD: I was reporting to
6 the Tribunal. This is not a summing up. A new ob-
7 jection is now being raised.

8 THE PRESIDENT: May I say that objection
9 is of no weight at all. We have pointed out frequent-
10 ly that all of these documents were being admitted
11 subject to being connected up with the accused later.

12 MR. JUSTICE MANSFIELD: We do not say that
13 every act of each accused in relation to the conspir-
14 acy was not authorized by law. We say that in most
15 cases, probably in almost every case, they had author-
16 ity under the law to do the things which they did,
17 and we, therefore, establish the foundation for their
18 actions by showing the law and the authority under
19 which they acted. And the prosecution has viewed
20 the whole of the evidence and after full consider-
21 ation it has, as part of its case, come to the con-
22 clusion that this particular document and other doc-
23 uments of a like nature are essential in the present-
24 ation of a proper case and in the fulfillment of a
25 duty to prove this case properly and beyond a

1 reasonable doubt. And without a general knowledge of
2 the whole of the facts, I respectfully submit, that
3 it is very difficult to come to a conclusion that a
4 particular fact is not a relevant one.

5 THE PRESIDENT: Of course, the conspiracy
6 alleged here is a conspiracy against international
7 law. The state of the law in Japan is beside the
8 question unless you can show that the law of Japan
9 was enacted or administered in order to further the
10 conspiracy.

11 MR. JUSTICE MANSFIELD: And that is what
12 we are intending to show.

13 THE PRESIDENT: But the mere existence of
14 the Japanese Constitution cannot be taken to be evi-
15 dence of conspiracy.

16 My colleagues are inclined to hear you, so
17 you go ahead.

18 MR. DONIH: Mr. President, next in order
19 the prosecution will ask to place in evidence pros-
20 ecution document No. 7122, this being an official
21 document of the War Ministry, this document having
22 been marked exhibit No. 151.

23 (Whereupon, the document above referred
24 to was marked prosecution's exhibit No. 151 for
25 identification.)

1 MR. DONIHI: With the Tribunal's permission,
2 the prosecution should like to read excerpts from
3 this document.

4 "Handle as Ultra-Secret. General Mobili-
5 zation. War Ministry. The Outline of Program Con-
6 cerning the Execution of Intelligence and Propaganda
7 Activities. May 20, 1936.

8 "This outline of program for execution, in
9 accordance with 'the outline of fundamental program
10 concerning Intelligence and Propaganda--', stipulates
11 the matters essential for each program to be planned
12 by 'Each Office.'

13 "2. 'The organization and the duty of the
14 Intelligence and Propaganda Organ' will be interimly
15 designated until they will be enacted under 'the
16 Organization of the General Mobilization Organ.'"

17 MR. McMANUS: May I request the Tribunal to
18 instruct the prosecutor to note the page from which
19 he is reading, please, and citing these excerpts?

20 THE PRESIDENT: I don't know whether you
21 can do that, Mr. Donihi, but help the defense as much
22 as you can.

23 MR. DONIHI: The excerpts just read are
24 from Page 1.

25 No. 3, also on Page 1.

1 "The term 'Each Office' referred to in this
2 'Outline of Program for Execution' means 'each Minis-
3 try, Government General of Korea, Government General
4 of Formosa, Government of Saghalien, and the Govern-
5 ment of the South Sea Islands.' "

6 Page 2, Chapter I.

7 "General Rules." No. 1 at the bottom of the
8 page.

9 "This Program is produced chiefly for the
10 Intelligence and Propaganda Activity essential for
11 General Mobilization before the outbreak and at the
12 initial phase of the war (hereafter, it will be ab-
13 breviated and referred to as Intelligence and Propa-
14 ganda)."

15 Page 3, Item 3.

16 "The intelligence and propaganda essential
17 for general mobilization are inseparable from those
18 for military and diplomatic purposes. Accordingly, in
19 planning and in executing this program, mutually close
20 joint utilizations of it must be planned; furthermore
21 these close contacts and utilizations must be planned
22 even with various civilian intelligence and propaganda
23 organs."

24 No. 4, same page.

25 "The fruits of intelligence and propaganda

1 activities will increase or decrease according to the
2 appropriateness or inappropriateness of the censoring
3 or control of the organ for public opinion, the pub-
4 lication, the performance, the communication, etc.
5 as well as the appropriate or inappropriateness of
6 the important task of defence against enemy's intel-
7 ligence and propaganda activities. And in addition,
8 inasmuch as this objective can be attained through
9 defence and mutual aid, one must particularly see
10 to it that coordination and mutual aid between them
11 will not be found wanting."

12 Item 1 under Chapter II.

13 "Supreme Organ. The Cabinet will decide the
14 fundamental or the particularly important policy of
15 propaganda and the particularly important matters
16 among those to be controlled concerning intelligence
17 and propaganda. The remaining policies of propaganda
18 and the control concerning intelligence propaganda
19 as well as what are demanded by the emergency, will
20 be decided by the Premier."

21 Page 2-2.

22 THE PRESIDENT: Where is the interpreter?

23 Put him on, will you?

24 I propose to speak before you, sir.

25 MR. BROOKS: All right.

1 THE PRESIDENT: Are you going to take us
2 through the whole of this document? I suppose every
3 country has something like this but there is in the
4 Japanese propaganda something objectionable, is that
5 so?

6 MR. DONIHI: Yes, indeed.

7 THE PRESIDENT: Will you point out the ob-
8 jectionable features?

9 MR. DONIHI: I was directing the Tribunal's
10 attention to those portions of this document which
11 are relevant. The portions just read are merely ex-
12 planatory of the document overall and the particular
13 items to which I will refer will now be read with the
14 Tribunal's permission.

15 MR. BROOKS: If your Honor please, this doc-
16 ument that he is reading from and placing a lot of
17 emphasis on might be misconstrued very easily by a
18 civilian but I have seen documents practically word
19 for word in various military affairs on what we in
20 the United States would call "D-plus-one Day" defense
21 measures and there is nothing in this document that
22 I believe is relevant and material to the case of
23 General KOISO; and I would like to object to it on
24 that basis. It is immaterial, irrelevant and is taking
25 up the Court's time on a demobilization or mobilization

1 plan in time of emergency. If he is placing emphasis
2 on three or four paragraphs here which are apparent
3 in every type of document of this nature, I think
4 every nation sitting here on this Court has a similar
5 one.

6 THE PRESIDENT: It is too much to expect you
7 to point out where this document differs from those
8 of a similar type used by other nations because the
9 documents used by other nations would not be avail-
10 able to you. At least, I think they would not be
11 available. However, we do want you to confine your-
12 self, at least I do, to the parts that really are ob-
13 jectionable.

14 MR. DOMINI: Will the Tribunal permit me
15 to direct its attention to specific portions which
16 we consider important and to explain why we consider
17 them to be of such importance?

18 On Page 2-4, Section 2, at the bottom of the
19 page.

20 "Policy of regulating and utilizing speech
21 and press organizations, publications and entertainment.

22 "Item 1. -- Interior.

23 1. Attempt to organize bodies as illus-
24 trated in the following and unite them with bodies
25 already organized and guide them.

1 "1. The Domei Press. Rear and guide it so it
2 will be the spokesman of the government in important
3 matters.

4 "2. Japan Broadcasting Company. Rear and
5 guide it so it will be the spokesman of the govern-
6 ment in important news items.

7 "3. Japan Cinema Association. Have the
8 motion picture companies throughout Japan form this
9 organization. (Newsreel companies included.)

10 "4. Japan Publications Association. Have
11 publishers and owners of publications of newspapers,
12 magazines, pamphlets, posters, etc., organize this
13 association.

14 "5. Japan Drama Association. Have dramatists,
15 performers and people connected with drama form this
16 association.

17 "6. Japan Musical Association. Have musicians,
18 composers, phonograph companies and people connected
19 with music establish this association.

20 "7. Japan Art Association. Have artists,
21 sculptors, calligraphists and people concerned with
22 art form this organization."

23 We wish to point out, Mr. President, at this
24 time, that most of these organizations were actually
25 not in existence at the time of the drafting of the

1 document, which we are offering now in evidence, but
2 we also --

3 MR. McMANUS: If your Honor please, I object
4 to any explanations offered by the prosecutor. It is
5 tantamount to testifying on his part.

6 THE PRESIDENT: Quite true. The only way
7 to handle this matter competently is through an expert
8 in international affairs who ought to be called. He
9 can tell us something. Perhaps this document might be
10 such as might be issued by any government in the war.
11 I have not read the whole of it. There may be some
12 objectionable features that speak for themselves that
13 do not require any elaboration, any explanation. But
14 so far some of these matters that you have referred
15 to have a neutral quality.

16 MR. DOMIHI: The Tribunal has heard witnesses
17 who have testified as to the organizations of the
18 specific organs named within this document.

19 THE PRESIDENT: We have heard no expert on
20 war propaganda, -- what is legitimate and what is not.
21 He would need to be an able man.

22 MR. DOMIHI: The prosecution will offer this
23 document in evidence without further reading, may it
24 please the Tribunal. We believe that the document
25 will speak for itself relating to the preparation of

1 Japanese public opinion for war which is the phase
2 of the case presented before the Court today.

3 THE PRESIDENT: Well, there is no particular
4 part you want to point out?

5 MR. DONIHI: In view of the Tribunal's state-
6 ment, there is not.

7 MR. BROOKS: If the Tribunal please --

8 THE PRESIDENT: Mr. Donihi, will you take
9 the stand again. Some of my colleagues want to hear
10 you, want you to point out the parts upon which you
11 rely.

12 MR. DONIHI: Yes, your Honor. On Page 4-6,
13 Mr. President, Item 11;

14 "Preparation of movie films, books, pamphlets,
15 posters, manifestos, mottoes, symbols, and other propa-
16 ganda material for domestic and foreign propaganda be-
17 fore and after the outbreak of war and at other im-
18 portant times."

19 THE PRESIDENT: Now the point my colleagues
20 are making is this, that you set out to show that the
21 Japanese did set propaganda machinery in preparation
22 for an aggressive war as distinguished from a non-
23 aggressive war. Can you do that? It is suggested
24 that the propaganda of the other countries was for a
25 non-aggressive war. Now can you show, we would like

1 you to show, you probably can because you said you
2 could, just where the difference lies in this docu-
3 ment we are examining.

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1 MR. DONIHI: The prosecution will establish
2 before it is through with the case, Mr. President,
3 that this was an aggressive war and that all parts
4 and portions in furtherance of the conspiracy toward
5 that aggressive warfare have been connected in the
6 final analysis.

7 THE PRESIDENT: My colleague from New
8 Zealand disagrees with my opinions upon this document,
9 and I also find disagreement on my right, so you had
10 better proceed to make whatever use of it you had
11 intended to make. All I wanted you to do was for
12 you to point out something objectionable in this docu-
13 ment. It may be full of objectionable things. I
14 never said otherwise. I came here expecting to find
15 that it would be. At least I am entitled to ask you
16 what are the objectionable things upon which you rely
17 and not have you throw the whole document at us.

18 MR. BROOKS: If the Court please, I think
19 that there is an assumption that there is something
20 objectionable in this document, and I believe it is
21 quite possible that there could be a Japanese document
22 produced by the Japanese government for emergency
23 situations that would not be objectionable and would
24 not be necessarily aimed at aggression. I do not
25 think it is at least unheard of that documents

1 similar to this general mobilization plan, which it
2 is called, might not have been in every country of
3 the world, and that in such a document as presented
4 here that certain machinery and certain named parties
5 and associations be formulated and duties set for
6 them to take up functions when an emergency arose.
7 I think this has been misconstrued by a man that --

8 THE PRESIDENT: We do not want to hear your
9 opinions now.

10 MR. BROOKS: I am making an objection, if
11 your Honor please.

12 THE PRESIDENT: I have expressed no opinion
13 on this document except I want to know where it might
14 differ from other documents that might be issued.

15 MR. BROOKS: That is true, if the Court
16 please, and it also places a burden on us. The
17 defense does not have the ultra-secret document of
18 any other nation to compare this with and a man can
19 only by comparison know certain things --

20 THE PRESIDENT: We have heard enough now.

21 MR. HAMMACK: May it please the Tribunal,
22 this document was offered as an overt act on the part
23 of these defendants to prepare the Japanese public
24 for war. It will be noted that the document was
25 prepared in 1936. We offer it for what it may be

1 worth. I agree with counsel that it is difficult
2 to pick out anything particularly that would say that,
3 but, nevertheless, we are offering it as a great
4 overt act on the part of these defendants in prepar-
5 ation for the wars that eventually followed. It is
6 a lengthy document and I do not believe that the same
7 should be read, but I should like very respectfully
8 to call the Court's attention to this fact, that
9 this is a definite outlined program as to what policy
10 should be followed to prepare the nation for war,
11 and, as I say, the importance of it is that it was
12 prepared in 1936.

13 THE PRESIDENT: Mr. Donihi, or Mr. Hammack,
14 it doesn't matter, you are relying on the date of
15 the issue of this document, are you?

16 MR. HAMMACK: That is correct, your Honor,
17 plus the fact that the document sets forth, as here-
18 tofore mentioned, a complete program for propaganda,
19 which we consider important in this case due to the
20 fact it was issued in 1936 and it will be proved
21 later that the document was followed out.

22 THE PRESIDENT: You are not relying on any
23 particular part of the document; you are relying on
24 the whole document?

25 MR. HAMMACK: Yes, we are relying on the

1 whole document, your Honor.

2 THE PRESIDENT: Is there anything to be
3 gained by reading it through?

4 MR. HAMMACK: Nothing particular, no, your
5 Honor.

6 THE PRESIDENT: Then why did you begin to do
7 so?

8 MR. HAMMACK: Mr. Donihi had in mind, I
9 think, reading the more pertinent parts, may it please
10 the Court.

11 MR. FURNESS: While not objecting to the
12 issuance of this document, the defense cannot admit, of
13 course, that this was an overt act or that it was an
14 overt act or conspiracy on the part of all these
15 defendants. We understand, of course, from the
16 Court that it must be connected up with the individual
17 defendants before it is evidence against them.

18 THE PRESIDENT: You need not repeat that.
19 That has been said a dozen times.

20 MR. FURNESS: I object particularly to this
21 statement that counsel made that this was an overt
22 act, and I do not think it is an overt act or con-
23 spiracy at all.

24 MR. HAMMACK: May the next witness be
25 called, may it please the Court? Mr. KOIZUMI,

KOIZUMI

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1 Mr. Marshal.

2 CAPTAIN KLEIMAN: May it please your
3 Honor --

4 THE PRESIDENT: I decline to hear you further
5 at this stage.

6 CAPTAIN KLEIMAN: It is just a technical
7 difficulty, your Honor, has nothing to do with what
8 has been discussed. I would like just --

9 THE PRESIDENT: We will hear this witness
10 first and you can raise your technical difficulty
11 after.

12 CAPTAIN KLEIMAN: Thank you.

13 MARSHAL OF THE COURT: Mr. President, the
14 witness KOIZUMI is now in court and will be sworn.
15

16 G O R O K O I Z U M I, called as a witness on
17 behalf of the prosecution, being first duly
18 sworn, testified as follows:

19 MR. HAMMACK: For the benefit of the defense,
20 May it please the Court, I should like to call to
21 their attention to International Prosecution Section
22 document No. 10,509-B.

23 DIRECT EXAMINATION

24 BY MR. HAMMACK:

25 Q What is your name?

KOIZUMI

DIRECT

1 A KOIZUMI, Goro.

2 Q I show you a document, Mr. KOIZUMI, and ask
3 you to look at this document and state whether or
4 not you recognize it.

5 A This is my affidavit.

6 Q That affidavit was translated from the
7 English into Japanese for you, was it not, Mr. KOIZUMI?

8 A Yes, I saw it.

9 Q And you understood the contents of the
10 affidavit as it was set forth in English, did you
11 not, Mr. KOIZUMI?

12 A Yes, I understood it.

13 Q And in addition thereto you checked it with
14 the Japanese which you, yourself, wrote out. Is that
15 not correct?

16 A Yes, I did.

17 MR. HAMMACK: At this time, may it please
18 the Court, we offer the affidavit in evidence and ask
19 that it be marked prosecution's next in order.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 152 for identification.)

23 MR. HAMMACK: At this time I should like the
24 privilege of reading the affidavit, if the Court
25 please.

KOZUMI

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1 THE PRESIDENT: Wait until after the recess,
2 will you? We will recess for fifteen minutes.

3 (Whereupon, at 1445, a recess was
4 taken until 1500, after which the proceedings
5 were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 MR. HAMMACK: Shall I proceed, may it please
4 the Court?

5 THE PRESIDENT: You may.

6 MR. HAMMACK: "International Military Tri-
7 bunal for the Far East. The United States of America,
8 et al, against ARAKI, Sadao, et al. Affidavit.

9 "I, Goro KOIZUMI, do swear on my conscience
10 that the following statements are true:

11 "From 1935 until 1940 I was Chief of Police
12 in various prefectures, and as such am familiar with
13 the operations of the police departments in Japan.

14 "The police in Japan were under the orders
15 and supervision of the Police Bureau of the Home
16 Ministry, the police in connection with their du-
17 ties being concerned in fulfilling the same pri-
18 marily with violations of the following laws:

19 1. Public Peace Law. This law was promul-
20 gated in the year of 1900.

21 2. Preservation of Peace Law, enacted in 1925
22 and amended in 1941.

23 3. Military Secrets Protection Law, enacted
24 in 1937 for the protection of secrets in regards
25 to mobilization and tactics and operations of the

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1 armed forces.

2 4. Law for the protection of secrets in regards
3 to military resources, enacted in 1939 for the pro-
4 tection of all secrets in regards to both material
5 and human resources of the armed forces."

6 MR. LOGAN: If the Tribunal please, counsel
7 is reading from a document here which is entirely
8 different from the one supplied the defense.

9 MR. HAMMACK: May I say, may it please the
10 Court, that I specifically called to the attention
11 of counsel for the defense that the document I am
12 reading from is document No. 11,509-B.

13 THE PRESIDENT: Proceed, Mr. Hammack.

14 MR. HAMMACK: (Reading:)

15 "In connection with law enforcement, the
16 police enforced the censorship laws in all their
17 forms relating to censorship over newspapers,
18 publications, writings, books, moving pictures,
19 plays and other forms of entertainment, public
20 speeches, public gatherings, and were particularly
21 active in the guidance of expressions of thought
22 that were contrary to government policy, and when
23 such persons failed to follow such guidance and
24 infringed upon any law such persons were then put
25 in prison.

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1 "The various police departments required
2 that public speeches which had a political objective
3 and all group activities and social movements submit
4 the script of their programs in advance of actual
5 public display for approval by the police. In re-
6 gard to moving pictures and plays, it was required
7 that permission be obtained from the Home Ministry
8 beforehand, before such plays for moving pictures
9 could be exhibited. The police had the authority
10 to prohibit the showing of moving pictures and plays
11 if they were objectionable or contrary to the policy
12 of the Japanese Government as it then existed, or
13 if the law had not been complied with by first sub-
14 mitting the same to the Police Bureau of the Home
15 Ministry for its approval; and to prohibit and stop
16 public speeches which had a political objective or
17 prohibit or stop all groups or social movements
18 which were not conducted according to the program
19 submitted to the Police Department.

20 "In 1928 there was organized on a national
21 basis from the Police Department a section called
22 the High Police, the duties of which were primarily
23 to watch over the activities of extreme leftists
24 and extreme rightists, and in addition whose duties
25 were to watch over the activities of anyone who

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1 was opposed to the policy of the Japanese Government
2 as it existed from 1931 to December 7, 1941. For
3 illustration, following the Japanese-Chinese Inci-
4 dent of 1937, no one in Japan was permitted to ex-
5 press opposition to the war with China. If they
6 did so, they would be arrested under the Preser-
7 vation of Peace Law and imprisoned. By this I do
8 not mean that if a Mother whose son was a soldier
9 in the Japanese Army in China should say, 'I wish
10 the war was over and my boy was home.'

11 "In addition to these duties, the High
12 Police also exercised authority and supervision over
13 censorship of writings, speeches, press, plays
14 and other forms of public entertainment, public
15 meetings and gatherings.

16 "That from ancient times in Japan, there
17 was the family group movement throughout Japan.
18 In ancient times these groups were banded together
19 for the purpose of preventing and reporting crime
20 and for mutual aid. That in the latter part of
21 1940, the family or neighborhood group movement
22 was revived for the purpose of educating the Jap-
23 anese people on governmental policy and to make the
24 people war conscious was well as for mutual aid,
25 and to make them cooperate with the government,

KOIZUMI

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1 these families or neighborhood groups being under
2 the local administrations.

3 "In an intangible manner following the
4 Japanese-Chinese conflict, the armed forces began
5 to influence the Police Department, this influence
6 increasing through to 1941, and thereafter during
7 the Pacific War becoming even more pronounced.
8 That all government agencies were used to inspire
9 a military spirit in the Japanese people, this
10 really becoming effective when the Board of Infor-
11 mation of the Cabinet was formed. Through this
12 Board strict censorship and supervision of dis-
13 semination of all news, publications, writings,
14 moving pictures and all forms of public enter-
15 tainment was exercised. Such censorship was di-
16 rected by the Board of Information and the Home
17 Ministry to the Chief of the Police Bureau, who
18 in turn directed the activities of the police in
19 connection therewith.

20 "In July of 1940 I was appointed to the
21 Board of Directors of the National Spirit and
22 Activities Headquarters. The purpose of this
23 Board was to make the nation war conscious, the
24 expenses for the operation of the Board being
25 paid through the Cabinet Board of Information,

1 which obtained money from the Finance Ministry.
2 Approximately three months later, this Board was
3 abolished with the formation of the Imperial Rule
4 Assistance Association. Upon the formation of the
5 Imperial Rule Assistance Association, I was appoint-
6 ed the head of a department of the Imperial Rule
7 Assistance Association, the expenses of which were
8 paid by the government, and the purposes and duties
9 of which department through cooperative conferences
10 were to cause all of the people in Japan to become
11 war conscious and cooperate with the government in
12 connection with government policy and also to ob-
13 tain public opinion of the different classes of the
14 people. This purpose was effected through these
15 conferences by instructing the people and educating
16 them in the policy of the government and by listen-
17 ing to the people for the purpose of influencing
18 the people to think all alike in favor of govern-
19 mental policies."
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KOIZUMI

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1 MR. HAMMACK: I have no further questions,
2 gentlemen.

3 THE PRESIDENT: Dr. KIYOSE.

4 CROSS-EXAMINATION

5 BY DR. KIYOSE:

6 Q Has the witness submitted affidavits on
7 two occasions?

8 THE PRESIDENT: The document is admitted.
9 I do not think I said that.

10 (Whereupon, prosecution's exhibit
11 No. 152 was received in evidence.)

12 A After I saw the first translation I saw
13 some mistakes, so I had a second translation
14 made.

15 MR. HAMMACK: In an effort, may it please
16 the Court, to speed this up, I am willing to stip-
17 ulate that this is the second affidavit of this
18 witness who wished to make some corrections of
19 the first. So we, therefore, prepared the second
20 and we are not using the first.

21 Q Then I shall present questions to you in
22 accordance with the text of the affidavit sub-
23 mitted on June 22.

24 MR. HAMMACK: To which I am going to ob-
25 ject, may it please the Court, to any questions

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1 as to the affidavit which went through before for
2 the reason that the witness has not referred to
3 it, nor is it in evidence. It has never been pre-
4 sented into evidence.

5 We respectfully make the request of the
6 Court at this time that counsel be instructed to
7 limit his cross-examination to the affidavit which
8 is in evidence.

9 THE PRESIDENT: If the witness made two
10 affidavits bearing on the same subject matter,
11 one is presented and the other is not, I hold that
12 this cross-examination can extend to the first
13 affidavit.

14 Q First of all, I should like to inquire in
15 connection with your statement in the first part
16 of the affidavit, in which you say that the police
17 exercised their functions primarily with viola-
18 tions of the following four laws.

19 A Regarding this word "primarily" which was
20 used, I entertained some doubt when I first heard
21 this. In my interpretation it merely had the sig-
22 nificance of the word "first" -- "firstly" and no
23 special emphasis was laid thereon.

24 THE MONITOR: Correction: Besides these
25 primary functions I took it to mean that police had

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1 other functions.

2 Q Then is it proper for me to take it this
3 way, that the police system in Japan, like the police
4 in other countries, arrested offenders, looked after
5 sanitation questions, and concerned itself with
6 peace and order and tranquility?

7 Do you also mean to say that besides these
8 activities the police in Japan was engaged in the
9 functions listed in your affidavit under the four
10 different laws?

11 A That is so. Among many things, the police
12 in Japan looked after, first, sanitation, crime,
13 traffic, et cetera. And in addition to this, we were
14 authorized to deal with infringements of the four
15 laws just mentioned.

16 Q Now I understand. Now, I should like to
17 put my second question: In the few paragraphs
18 ahead, you state in your affidavit that in connec-
19 tion with law enforcement the police enforced the
20 censorship laws in all their forms, et cetera.
21 You have not indicated the date there. Was this
22 done before the war, or do you mean to say it was
23 done after the war?

24 A From my recollection, I can only tell you
25 what transpired during the period between the tenth

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1 year of Showa and fifteenth year of Showa; that is,
2 1935 up till 1940.

3 Q Then it is something which occurred after
4 the China Incident as well as the Manchurian Inci-
5 dent?

6 A That is so.

7 Q Then, may I take you to mean that it was
8 not for the purpose of preparing for war?

9 MR. HAMMACK: May it please the Court, I
10 object to questions calling for the opinion and con-
11 clusion of the witness on a subject on which he is
12 not qualified to have any particular knowledge.

13 THE PRESIDENT: Well, you do not hold him
14 out as an expert?

15 MR. HAMMACK: No, your Honor, certainly
16 not upon the preparation for war.

17 THE PRESIDENT: Well, he cannot be cross-
18 examined as one.

19 Q Now, in a further paragraph of your affida-
20 vit you state: The various police departments re-
21 quired that public speeches which had a political
22 objective would have to submit the script of their
23 programs or speeches in advance. Do you mean to
24 say that we politicians were also required to do
25 that?

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1 A Concerning political meetings, they were
2 to be guided in accordance with the Peace Preserva-
3 tion Law. However, whenever political meetings
4 were to be held, we police had advance notice of
5 such meetings.

6 THE MONITOR: Correction: In accordance
7 with the Peace Preservation Law, a report of sched-
8 uled meetings was to be made.

9 Q My question was this: Were politicians
10 before they made addresses before political meetings
11 required to report their addresses, the contents
12 of their addresses, to the police?

13 A Yes, it was so. Insofar as political meet-
14 ings were concerned.

15 THE MONITOR: Correction: Political
16 speeches.

17 Q What would you mean, then, about speeches
18 which are not in the category of political speeches?

19 A The content of political speeches.

20 Q Further on in your affidavit you state
21 that there was organized on a national basis from
22 the Police Department a section called High Police,
23 the duties of which were primarily to watch over
24 the activities of extreme leftists and extreme
25 rightists.

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1 We can understand extreme leftists, but
2 what do you mean by extreme rightists?

3 A By extreme rightists I mean terrorists who
4 were rampant at that time.

5 THE MONITOR: Correction: And special po-
6 lice or Tokko was charged with surveillance over
7 these elements.

8 Q When you speak of extreme rightists, do you
9 also mean to include such incidents as the May 15
10 Incident, and the Blood Brotherhood or Ketsu Mei-Dan
11 Incident?

12 A What you say, I believe, belonged to the
13 extreme rightists.

14 Q Lastly, I should like to ask: In your affi-
15 davit you say that those who opposed the China Inci-
16 dent were arrested in accordance with the Peace
17 Preservation Law. Is that so?

18 A Concerning this problem, I do not assert
19 that such a thing did actually happen. However,
20 when political meetings -- open political meetings
21 were held we merely guided the meetings so that
22 they would not go along extreme lines. That is to
23 say, I was merely trying to point out that those
24 who disregarded such guidance of the police and
25 carried on -- opposed the policy of the government

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1 in their political meetings, these people we sus-
2 pected -- we would suspect -- and after taking them
3 to police headquarters we would interrogate them
4 on the various points which might lead to our dis-
5 covery of whether or not they belonged to secret
6 societies or special organizations.

7 THE MONITOR: Correction: Whenever there
8 were persons who would disregard guidance by the
9 police, police on our side would suspect the persons
10 might be those who are violating the Peace Preserva-
11 tion Law in that they may be plotting to overthrow
12 the government, or they may belong to a group which
13 advocates nullification of private property; and
14 police further may suspect these persons may be guid-
15 ing such movement, and under this suspicion the
16 police would detain them in the police station and
17 question them.

18 Q Of course, the witness would acknowledge the
19 fact that the Peace Preservation Law, and not the
20 Police Law, was enacted for the purpose of suppress-
21 ing Communism. What is the relationship between
22 opposition to the China Incident and Communism?

23 A At that time there was no direct relation
24 between these two. However, if there was such a
25 fact, and if there was anyone who would speak before

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1 the public in such a vein as to oppose the execution
2 of the government policy, they would be looked upon
3 as being Communists by us, and we would, therefore,
4 detain them and interrogate them.

5 Q You are now speaking of the China Incident.
6 But after the outbreak of the war of Greater East
7 Asia, was that policy changed?

8 A As for what happened after the outbreak of
9 the Greater East Asia War I cannot tell you inasmuch
10 as I left the police service.
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1 Q However, in your affidavit you state that
2 in an intangible manner, following the Japanese-
3 Chinese conflict, the armed forces began to in-
4 fluence the police department, this influence in-
5 creasing through to 1941 and, thereafter, during the
6 Pacific War, becoming even more pronounced.

7 A I made such a statement on the grounds
8 that even after I left the police service I knew that
9 military measures called for the enactment of such
10 laws; and, even when I was still in the military ser-
11 vice, I remember that such laws were passed.

12 THE MONITOR: Correction: On the basis of
13 my knowledge after I left the police service I made
14 the statement that such influence from the armed
15 forces was strengthened even after the outbreak of
16 the Pacific War. Even while I was in the police
17 service there were various laws and regulations; and,
18 after I left the service, there were many military
19 laws and regulations put into effect.

20 Q Then I could say this, may I not, that
21 there is a clear distinction between the facts you
22 know directly by your own experience in the police
23 service and about this influence of the armed
24 forces over the police department during the Pacific
25 War which you obtained indirectly from other sources

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1 after you had left the police service?

2 A As for what happened after the outbreak of
3 the Greater East Asia War, I cannot say that I came
4 to know of these through my service on the police
5 force.

6 Q When did you resign from the service in
7 1940 -- what month?

8 A July, 1940.

9 Q. Then, in your affidavit you speak of the
10 fact that, in addition, duties were to watch over
11 the activities of anyone who was opposed to the
12 policy of the Japanese Government as it existed
13 from 1931 to December 7, 1941. That creates another
14 doubt. Then, I take it to mean that this information
15 you also received after you had resigned from the
16 service.

17 A That is so.

18 Q In other words, that is what we say is
19 hearsay evidence, is that so?

20 A I believe I can say such a thing, on the
21 basis of the experience I gained while I was serving
22 on the police force, with regard to the extreme
23 rightists and leftists.

24 Q Then, what you had heard after you had
25 resigned from the service is not what you have

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1 secured directly, is that so?

2 A Yes.

3 Q Then it means that it is your presumption
4 or imagination after you had left the service, isn't
5 that so?

6 A As to what happened after I left the police
7 service I cannot make a statement in any way. How-
8 ever, I believe I can say --

9 THE MONITOR: However, I can say that these
10 views represent my general knowledge.

11 CROSS-EXAMINATION (Continued)

12 BY CAPTAIN KLEIMAN:

13 Q Mr. HOIZUMI, have you traveled outside of
14 Japan?

15 A I have.

16 Q And do you know of any country where plays
17 or motion pictures are not censored by local govern-
18 ment?

19 A The purpose of my travel not being concerned
20 whatever with police affairs, I have not made any
21 study of the subject, and, therefore, I cannot say.

22 Q How did you come to give this information,
23 supplied in the second affidavit and in the first
24 affidavit, to the prosecution?

25 A I do not know what you are driving at.

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1 Q Are you now, or have you ever been, a war
2 suspect?

3 A I have not been so charged, and I am not a
4 suspect.

5 Q Did you seek out the International Prosec-
6 cution Section, or did they seek you out?

7 MR. HAMMACK: I will stipulate, may it
8 please the Court, that I sought him out.

9 Q Did you volunteer any information to Mr.
10 Hammack?

11 A I spoke to Mr. Hammack in reply to questions
12 put to me by him.

13 Q Do you speak English?

14 A Not sufficiently.

15 Q Prior to the time that you signed the
16 affidavit which has been put in evidence today, had
17 you under oath signed another affidavit?

18 A Yes, once.

19 Q And had you been sworn to that affidavit?

20 A Yes, I did.

21 Q Had that affidavit been translated into
22 Japanese for you before you signed it?

23 A I saw the Japanese version later.

24 Q Had you signed that first affidavit
25 before you saw the Japanese version later?

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1 A I did not.

2 Q And, nevertheless, you, under oath, signed
3 the first affidavit which you now state contained
4 various mistakes without understanding what was
5 contained in that first affidavit; is that right,
6 Mr. Witness?

7 A Yes, that is right.

8 THE PRESIDENT: Would you care to tender
9 it just to show how extensive and how important the
10 mistakes are?

11 CAPTAIN KLEIMAN: I may later, your Honor.

12 THE PRESIDENT: It is not necessary to
13 cross-examine in such detail unless you are going to
14 tender that affidavit.

15 CAPTAIN KLEIMAN: I will have to consult
16 with the other counsel before I do that, if it
17 please the Tribunal.

18 Q You state on page 3 of the affidavit in
19 evidence that you were head of a certain department
20 of the Imperial Rule Assistance Association. What
21 department was that?

22 A Director of the Corporative Council Depart-
23 ment.

24 THE MONITOR: Department Chief in the
25 Corporative Council.

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1 Q What was the function of that council?

2 A The purpose of this council was to have
3 representatives selected to this council from all
4 classes of the people throughout the country in order
5 that the government policy made through these repre-
6 sentatives be disseminated and infiltrated among the
7 people in general, and also, through these repre-
8 sentatives, to secure from the people in general the
9 desire and the hopes which the people in general
10 entertained of the government.

11 Q Was it the purpose of that council to make
12 the people war conscious?

13 A The policy of the government at that time
14 being to make that policy known and understood by
15 the people; and since the China Incident was already
16 in progress at that time, it may be interpreted that
17 the policy of the government was to create war
18 consciousness.

19 Q Did you refuse at any time to accept such
20 a post because one of the functions was to make the
21 people war conscious?

22 THE MONITOR: Will the court reporter please
23 repeat that question?

24 (Whereupon, the last question was
25 read by the official court reporter.)

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1 A When I took over the position, it was for
2 the purpose of making the policy of the government
3 better known and understood by the people. I should
4 say that it was as an effect or the result of the
5 execution of that policy that war consciousness --
6 promotion of war consciousness resulted.

7 Q And did you feel that your action as head
8 of or as member of the of the council which you just
9 mentioned was for the good of your country?

10 MR. HAMMACK: I object, may it please
11 your Honor, on the ground that the witness has not
12 been qualified as an expert on war consciousness.

13 THE PRESIDENT: He may ask the question
14 for what it is worth.

15 A At that time I thought it was for the good
16 of the country.

17 Q On page 2 in your affidavit you mention
18 that all government agencies were used to inspire
19 a military spirit in the Japanese people. Is that
20 a true statement?

21 THE PRESIDENT: Do try to avoid that kind
22 of question: You said this in your affidavit; is
23 it true?

24 A In the light of the situation at that time,
25 yes.

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1 Q Is it a true statement as it is presently
2 written in the affidavit which has been introduced
3 in evidence now?

4 A Generally, I think my thoughts are very well
5 presented.

6 Q Was the Privy Council -- question withdrawn.
7 Is the Privy Council a government agency of Japan?

8 A Personally, I do not have a very clear
9 knowledge with respect to the Privy Council.

10 Q Then, can you truthfully say that all
11 governmental agencies were used to inspire and create
12 a military spirit in the Japanese people?

13 A I should say that, from the common sense
14 standpoint of view, my expression should be accept-
15 able although, legally speaking, it may be not quite
16 so proper.

17 CAPTAIN KLEIMAN: No further questions, may
18 it please the Tribunal.

19 MR. FURNESS: I would like to call on the
20 prosecution to produce the first affidavit, signed
21 by this witness, with the intention of tendering it
22 in evidence.

23 MR. HAMMACK: May it please the Court, if
24 counsel would supply me with copies of the original
25 I would be very glad to do so. I haven't any with

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1 me. But, if they will supply them to me, both the
2 copies in Japanese and in English, I would be glad
3 to put it in evidence.

4 MR. FURNESS: We have copies. Of course,
5 we have not got the signed document.

6 MR. HAMMACK: Which one do you want me to
7 offer?

8 MR. FURNESS: I want to tender the original
9 signed copy. I haven't got that, of course. That
10 is in the prosecution's file.

11 MR. HAMMACK: If the Court please, I have
12 an exact copy of the original which I should have
13 upstairs, if I haven't torn it up. And, if counsel
14 insists on giving the original, I will get it up-
15 stairs. But, for all practical purposes, may it
16 please the Court, this copy that they were supplied
17 with would suffice.

18 THE PRESIDENT: It should be the original
19 if it is available.

20 MR. HAMMACK: At this time I would say
21 this, your Honor: I am quite certain I destroyed
22 the original Saturday. I want that to be under-
23 stood by counsel. If I have it in my possession,
24 I will be glad to bring it down.

25 THE PRESIDENT: You should not have

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1 destroyed it.

2 We will accept the copy.

3 MR. FURNESS: I suppose I can wait until
4 tomorrow morning, and he can see if he destroyed it
5 or not. He says he is not sure whether he destroyed
6 it, your Honor. I would suggest that we wait until
7 tomorrow morning. It is almost time to adjourn.

8 THE PRESIDENT: This is a convenient break.
9 We will adjourn until thirty minutes past nine
10 tomorrow morning.

11 (Whereupon, at 1600, a recess
12 was taken until Tuesday, 25 June 1946, at
13 0930.)

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